

## **EDGEFIELD COUNTY COUNCIL**

### **Minutes August 9, 2005**

The regular meeting of the Edgefield County Council was held at 6:00 P.M. Tuesday, August 9, 2005, in the County Council Chambers, 225 Jeter Street Edgefield.

#### **Members present**

C. Monroe Kneece, Chairman  
Willie C. Bright, Vice Chairman  
Norman Dorn, Councilman  
Joel D. Hudson, Councilman  
B. Everette Kitchens, Councilman

#### **Others present**

Wayne Adams, County Administrator  
John F. Byrd, Jr., County Attorney  
Barbara R. Stark, Clerk to Council  
and others as per list attached

Chairman Kneece called the meeting to order and Councilman Hudson delivered the invocation. After the invocation, Council and those in attendance observed the Pledge of Allegiance.

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Approval of the Minutes of the June 22, 2005, Called Edgefield County Council Meeting and the July 5, 2005, Regular Meeting of Council was unanimous, with the motion of acceptance being made by Councilman Bright and seconded by Councilman Hudson.

#### **Reports**

There were no comments concerning the reports.

#### **Ordinances**

Third reading of Ordinance No. 04-05-563, "An Ordinance Enacting and Adopting a Supplement to the Code of Ordinances for Edgefield County, SC" was unanimously accepted by council, with the motion being made by Councilman Hudson and seconded by Councilman Bright.

Motion was made by Councilman Dorn, seconded by Councilman Kitchens, to approve third reading of Ordinance No. 04-05-564, "An Ordinance Authorizing the Issuance and Sale of General Obligation Bonds, Series 2005B, or Such Other Appropriate Series Designation, of Edgefield County, SC, in the Principal Amount of Not Exceeding \$765,000; Fixing the Form and Details of the Bonds; Authorizing the County Administrator or His Lawfully Authorized Designee to Determine Certain Matters Relating to the Bonds; Providing for the Payment of the Bonds and the Disposition of the Proceeds Thereof; and Other Matters Relating Thereto." Motion carried unanimously.

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Motion was made by Councilman Kitchens, seconded by Councilman Bright, to approve second reading of Ordinance No. 04-05-565, "An Ordinance Amending Section III (a)(5)(b) of Ordinance No. 04-05-560 (General Operating Budget Ordinance) to Clarify that Retiree Health Insurance Coverage Provided for therein Shall Extend until Qualification for the Federal Medicare Program." Motion carried unanimously.

Chairman Kneece made a motion not to approve second reading of Ordinance No. 04-05-566, "An Ordinance Amending Title XV, Chapter 152 of the Edgefield County Code of Ordinances to Provide for an Agricultural Development Zoning District and to Establish the Definition of, and Use Restrictions Regarding, Concentrated Animal Feeding Operations (CAFOs)." The motion was seconded by Councilman Kitchens. Motion carried unanimously.

Chairman Kneece made a motion not to approve second reading of Ordinance No. 04-05-567, "An Ordinance Amending Title XV, Chapter 151 of the Edgefield County Code of Ordinances to Provide For An Agricultural Development Zoning District with Minimal Restrictions Protecting Residential Dwellings from Incompatible Land Uses." Councilman Kitchens seconded the motion and it carried unanimously.

Motion to approve first reading of Ordinance No. 05-06-568, "An Ordinance Amending Title 51 of the Edgefield County Code of Ordinances to Provide for the Administration and Collection of Solid Waste User Charges" was made by Councilman Kitchens and seconded by Councilman Bright. The motion carried unanimously.

Councilman Dorn made the motion to approve first reading of Ordinance No. 05-06-569, "An Ordinance Authorizing Edgefield County, SC, to Enter into a Lease Purchase Transaction Relating to the Financing of Heavy Equipment; Authorizing the Execution and Delivery of an Equipment Lease Purchase Agreement in an Amount Not to Exceed \$750,000; and Other Matters Relating Thereto." Councilman Bright seconded the motion and the motion carried unanimously.

Councilman Bright made the motion to approve first reading of Ordinance No. 05-06-570, "An Ordinance Authorizing Certain Amendments to the Fee in Lieu of Tax Agreement Among Edgefield County, VF Playwear, Inc. and the Related Landlord to Provide for an Annual Infrastructure Credit Against Fee in Lieu of Tax Payments and an Extension of the Investment Period; Consenting to the Assignment by VF Playwear, Inc. and Said Landlord to Urban Outfitters, Inc., and Bor Unit Investors, LLC of Their Interests in Said Fee in Lieu of Tax Agreement; and Other Matters Relating Thereto." Councilman Kitchens seconded the motion and the motion carried unanimously.

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#### **New Business**

##### **Board appointments**

The Edgefield County Water & Sewer Authority recommended to Council the re-appointments to its Board of John Preston Sullivan and James Earl Kennamer. They have agreed to serve another four-year term. Motion to recommend the re-appointment of Mr. Sullivan and Mr. Kennamer to the Water & Sewer Authority Board was made by Councilman Kitchens and seconded by Councilman Dorn. The motion carried unanimously. The recommendation will be forwarded to the County's legislative delegation for the Governor's consideration.

The Council was also in receipt of requests for re-appointments and appointments to the Edgefield County Library Board. Motion was made by Councilman Bright, seconded by Councilman Hudson, to reappoint Mrs. Ethel Butler, Mrs. Anne Dukes, and Mrs. Kitty Nicholson for a four-year term. Motion carried unanimously. Additional appointments to the Library Board: Councilman Kitchens made a motion, seconded by Councilman Dorn, to appoint Mrs. Virginia Weaver to a four-year term, filling the vacancy of Mrs. Tecora Burt, and to appoint Mrs. Rosanne Price to fill the unexpired term of Mrs. Edith Stone (2005-07). Motion carried unanimously.

##### **Senior Center/Wellness Center**

Mr. Jim Griffith, Director of the Senior Citizens, gave an update on the proposed new Senior Center. Mr. Griffith thanked the Chairman and Council for allowing him the opportunity to address them, and he introduced members of his Board.

"In October of 2004, all funding sources were in place to allow the agency to go out for bids. The funding sources were the Bingo Senior Center Improvement Fund; State Bond money; state grant funding, as obtained through the legislative delegation; SC Department of Transportation funding; and a loan through USDA Rural Development. At that time, I had a medical problem, which necessitated my being hospitalized for ten days, followed by a month of recuperation.

Prior to having a meeting with the selected contractors, the board took a very close look at the conditions and stipulations of the USDA loan, which revealed that a reserve fund to repay the loan was higher than anticipated. As a result, the board looked at the total picture and decided to delay the project. By delaying the project, the board recognized it could be in jeopardy of forfeiting the bingo center improvement funding of \$439,000, which is two separate grants: one for \$89,000 and another for \$350,000. There are stipulations for receiving these grants; one is that the funds have to be spent within eighteen (18) months after approval. So, we were going past that time. However, a new round of grants does come up in 2005. In May of 2005, we received a letter from the Office on Aging (Governor's office) informing us that since we had not used the funds

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(bingo funds) they were withdrawing those funds at that time. They pointed out that an application for those funds could be filed again no later than September 15, 2005. We immediately filed an application for those funds on July 13 of this year. Those Senior Center Bingo Improvement Funds are issued on a two-year cycle and only a certain amount of funds are available under the bingo. The funding has decreased since the lottery was established.

Now, in the meantime this year, the Manor House closed and became available. The board decided to review the possibility of placing the Senior Center and the transportation hub at these facilities. After the review and inspection of these facilities and a meeting with the owner, the board decided that it would not be in the best interest of the senior citizens to purchase this facility. Following that, the board had a meeting with the legislative body, namely Rep. Clyburn and Sen. Moore and discussed the possibility of having the bingo funds roll over. In the meantime, we contacted the architect and asked them to see about downsizing the facility from a 20,000 sq. ft. facility to a 10,000 sq. ft., which would be in the 1.2 million dollar range. So, the board then proceeded to place an application from the \$500,000 grant to the bingo service improvement fund. In securing this grant the funds we have on hand now at that time would give us a little over one million dollars, and the board would not have to borrow any money from USDA Rural Development. However, we would seek a grant from them.

As I said earlier, the Senior Center Improvement Grant was filed and we anticipate hearing from this application sometime in September which at that time we can precede with the project. If we get the bingo funds in September, then we will have enough funding – that does not mean we will not go after some other grants or do some other things for the center. The 10,000 sq. ft. center would give us a kitchen, an adult day care center and a multi-purpose senior center.”

Councilman Kitchens asked Mr. Griffith if he felt comfortable that his operating budget would be sufficient to operate a 10,000 sq. ft. center. Mr. Griffith said they had done a pro-forma of the budget of the new adult care that they will have and the figures they have show that they will be able to operate in the black at all times. Councilman Dorn wanted to know the number of senior citizens the center works with which Mr. Griffith replied were over 300.

### **Cary Hill Drive**

The consideration of council to accept Cary Hill Drive into the county maintenance system was the next agenda item. Howard Gibson stated that this road is off Highway 25, approximately two miles going toward North Augusta before the county line. This road has the proper right-of-way width and the proper driving width. It is in very good shape. There should not be any big maintenance problem. He stated that he did not ask for a vote from the Transportation Committee but did ask that if council accepted the road would they have a problem with it. There was no opposition from the Committee – all the road

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would require would be gravel from time to time. It is right by another road the county scrapes so there would be no problem. There will be no funds available for a very long time for paving. Mr. Gibson asked Council that if they do vote to accept the road that it is stated that the road goes on the regular point system for paving. That would automatically take care of it. Councilman Bright made the motion to accept Carey Hill Drive into the county maintenance system, seconded by Councilman Hudson. Motion carried unanimously.

### **Johns Road**

Mr. Bettis Rainsford was not present to discuss the re-locating of a portion of John's Road, which is located off Sweetwater Road. Mr. Adams stated that today he had been informed that the adjoining landowners will instead petition circuit court to close the road rather than asking council to re-locate a portion of it. The chairman asked whether council should take action or simply wait for the closing. Mr. Adams stated that if council has a position on that matter, he would need to know it before the hearing is held in circuit court. Johns Road runs from Sweetwater Road to Vann Road. Because it is a county road, council would have a legal interest in the matter. Councilman Hudson asked if the county had just put a lot of gravel on that road. If we have put money into it and there are people in the county driving that road to cut through, Mr. Hudson said, he felt council should consider that before the council would agree to close the road.

Chairman Kneece made the motion that this matter be tabled until further information is obtained. Councilman Kitchens asked who would find out this information. Would Howard and his group or Mr. Adams spend time finding out what is really going on. Mr. Kitchens did not want to table it because next month it would be the same thing. Mr. Adams stated that in the years past council has closed roads using the same notification method. The process is that each adjoining landowner has to be notified by certified mail. The intent to close the road has to be advertised in a newspaper of general circulation three consecutive weeks. They don't have to ask permission to take the action; however, the county could offer comment to the court as to its opinion on keeping the road open or closing it. Council will only offer its opinion about whether the road should remain open.

Councilman Bright asked should this one be any different from any of the other road closings. Mr. Adams said that some years ago the council decided to stop using the method by which they had closed roads in the past. There are two statutes under which the roads can be closed. One only provides that county councils can close or modify the configuration of roads – it has no process for notification. The circuit court method however has those methods of notification that I just described to you. Any interested party can petition the court for a road closure. The county will be made a party to a lawsuit to close the road, and, like any other interested party, can make comment to the court. Attorney Byrd confirmed there will be a law suit brought on Edgefield County as well as the SC Highway Department. We will either have to go along with the petition to

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close it or fight it.

Councilman Hudson said if they want to pay us for all of the crush and run he would go along with it but he is against it straight up whether it is a motion or whatever. Councilman Bright said if the citizens don't care about it being closed that is one thing but if they want it open... Mr. Hudson stated he probably uses it about five times a year – cuts through to come to Edgefield at times. The question was asked by Councilman Dorn that isn't it the responsibility of the highway department to take care of paved roads while the county deals with dirt roads. Mr. Adams said that is true, but the county also has some paved roads and the highway department has some dirt roads. Johns Road is a county dirt road. Chairman Kneece withdrew his motion due to discussion of the council.

So, stated Councilman Hudson, we need to determine whether we are for or against closing the road. That would have to be done at the hearing in circuit court. Councilman Hudson made the motion for the county to object to the closing of Johns Road off Sweetwater Road. The motion was seconded by Councilman Bright. Motion carried unanimously.

**Supplemental agenda**

The supplemental agenda dealt with different bids: lighting and a scoreboard for the football field at Bettis Park. Councilman Hudson made the motion to accept the low bid of \$10,064.06 submitted by West Electrical Contractors of Newberry, SC for the lighting of the football field at Bettis Park, and to accept the low bid of \$11,554.60 submitted by Electro-Mech Scoreboard Company of Wrightsville, Ga. for the purchase of a scoreboard for the football field at Bettis Park. The motion was seconded by Councilman Kitchens. It was a unanimous vote.

The next item for council's consideration is bidding out the fencing specifications for the football field at Bettis Park. Due to some changing or different ideas of where to locate the poles it was not certain what the fencing specifications should be but now those are in order and could go out for bid. The problem is that the football season for the Edgefield County Football League is fast approaching and the request is that we be allowed to bid the specifications for the fencing and award to the low bidder at the discretion of the chairman. Mr. Adams hopes to go out for bids by the end of the week for the fencing.

Councilman Kitchens made the motion to proceed with the bidding of the fencing and award the bid at the discretion of the chairman to the low bidder. Councilman Hudson seconded the motion, and the motion carried unanimously.

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Next on the supplemental agenda was the setting of a date and time for a work session with the road department on equipment purchases. The council just passed first reading of a finance instrument that would allow the county to lease-purchase equipment, but we do not know at present what council wants to purchase. We do know that our equipment will be sold as decided by council on October 20<sup>th</sup> at auction. The urgency is that by second reading we would like to know so we could put in the ordinance what equipment we are buying, and also so that we could go out for bids.

Consensus of council was to hold a work session at 6:00 P. M. on Tuesday, August 23<sup>rd</sup>, in the County Council Chambers.

**No guests.**

**No executive session.**

**Claims approved as follows:**

<b>A.</b>	<b>PAYROLL</b>	<b>7/4/05 thru 7/17/05</b>	
	Regular.....		\$182,125.52
	<b>PAYROLL</b>	<b>7/18/05 thru 7/31/05</b>	
	Regular.....		\$180,718.42
<b>B.</b>	<b>General Operating.....</b>		<b>\$592,219.06</b>

Motion to adjourn was made by Councilman Bright, seconded by Councilman Hudson, with the next regular meeting of council scheduled for 6:00 P. M. Tuesday, September 6, 2005, in the County Council Chambers, 225 Jeter St., Edgefield.

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C. Monroe Kneece, Chairman

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Willie C. Bright, Vice Chairman

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Norman Dorn, Councilman

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Joel D. Hudson, Councilman

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B. Everette Kitchens, Councilman

ATTEST

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Barbara R. Stark, Clerk to Council